

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-11289

Derek Sincere Black Wolf Cryer

v.

Kathleen Dennehy, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-62

and contained in 1 Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 10/5/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 29, 2007.

Sarah A Thornton, Clerk of Court

By:

Sarah Thornton

Deputy Clerk

Receipt of the documents in the above entitled
case is hereby acknowledged this date: 10/29/07.

X. Barchard

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11289-RCL**

Cryer v. Dennehy et al
Assigned to: Judge Reginald C. Lindsay
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/14/2005
Date Terminated: 08/22/2007
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Derek Sincere Black Wolf Cryer

represented by **Derek Sincere Black Wolf Cryer**
S.B.C.C.
P.O. Box 8000
Shirley, MA 01464
PRO SE

V.

Defendant

Kathleen Dennehy

represented by **Richard C. McFarland**
Department of Correction
70 Franklin Street
Suite 600
Boston, MA 02110
617-727-3300 X 132
Fax: 617-727-7403
Email: rcmefarland@doc.state.ma.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Thompson

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Carol Mici

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Greg McGann

represented by **Richard C. McFarland**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Tina Ranno

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mae Robinson

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Greg Poladian

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Tom Lavelle

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William Taylor

represented by **Richard C. McFarland**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/14/2005	①	MOTION for Leave to Proceed in forma pauperis by Derek Sincere Black Wolf Cryer.(Jenness, Susan) (Entered: 06/21/2005)
06/14/2005	②	MOTION to Appoint Counsel by Derek Sincere Black Wolf Cryer. (Jenness, Susan) (Entered: 06/21/2005)
06/14/2005	③	COMPLAINT against Tom Lavelle, William Taylor, Kathleen Dennehy, Michael Thompson, Carol Mici, Greg McGann, Tina Ranno, Mae Robinson, Greg Poladian Filing fee: \$ 0.00, receipt number 0.00, filed by Derek Sincere Black Wolf Cryer. (Attachments: # 1 Civil Cover Sheet)(Jenness, Susan) (Entered: 06/21/2005)
06/14/2005	④	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge

		Dein. (Jenness, Susan) (Entered: 06/21/2005)
06/21/2005	④	EXHIBIT re 3 Complaint, by Derek Sincere Black Wolf Cryer. (Jenness, Susan) (Entered: 06/21/2005)
08/04/2005	⑤	Judge Reginald C. Lindsay : MEMORANDUM AND ORDER entered: Summons shall issue with respect to Defendants Dennehy, Thompson, Mici, McCann, Robinson, Poladian, Ranno, Lavelle, and Taylor, and Plaintiff shall also serve a copy of this Memorandum and Order on the Defendants along with the Complaint and Summons. Plaintiff is directed to provide the United States Marshal's Office with all requisite information to enable that office to effectuate service on the Defendants. The United States Marshal's Office shall bear all costs of service on the Defendants, however, it is the Plaintiff's responsibility to ensure timely service, in compliance with Federal Rules of Civil Procedure 4, and this Court's Local Rules. 2. Plaintiff's RFRA and AIRFA claims are dismissed sua sponte, however the Court will consider Plaintiff's claims under RLUIPA. 3. Plaintiff's Motion to Appoint Counsel is denied without prejudice.(PSSA1) (Entered: 08/11/2005)
08/04/2005	⑥	Judge Reginald C. Lindsay : MEMORANDUM AND ORDER ON APPLICATION TO PROCEED IN FORMA PAUPERIS AND ORDER TO TREASURER'S OFFICE AT MCI SHIRLEY entered: Plaintiff's Motion for Leave to Proceed in forma pauperis is allowed, however the Court defers on defers on the assessment of the initial partial filing fee pending receipt of prison account information; and 2. The Treasurer's Office at MCI Shirley is Ordered to provide the relevant prison account information as set forth in this Memorandum and Order. (PSSA1) (Entered: 08/11/2005)
08/11/2005	⑦	Summons Issued as to Tom Lavelle, William Taylor, Kathleen Dennehy, Michael Thompson, Carol Mici, Greg McGann, Tina Ranno, Mae Robinson, Greg Poladian.(PSSA1) (Entered: 08/11/2005)
08/15/2005	⑧	Prisoner Trust Fund Account Statement by Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 08/16/2005)
10/04/2005	⑨	Judge Reginald C. Lindsay : FURTHER ORDER ON APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES entered: Plaintiff Derek Sincere Black Wolf Cryer is assessed an initial partial filing fee of \$29.00, pursuant to 28 U.S.C. 1915(b)(1)The remainder of the fee \$221.00 is to be assessed and collected in accordance with 28 U.S.C. 1915(b)(2). (PSSA1) (Entered: 10/06/2005)
10/06/2005	⑩	NOTICE: re payment of fee (prisoner filer) issued to the Treasurer at MCI Shirley (PSSA1) Additional attachment(s) added on 10/6/2005 (PSSA1,). (Entered: 10/06/2005)
11/10/2005	⑪	US Marshal Process Receipt and Return for. Greg Poladin served Delivered on 10/26/05 (York, Steve) (Entered: 11/16/2005)
11/10/2005	⑫	US Marshal Process Receipt and Return for. Justina (Tina) Ranno served Delivered on 10/26/2005 (York, Steve) (Entered: 11/16/2005)

11/10/2005	⑫	US Marshal Process Receipt and Return for. Carol Mici served Delivered on 10/26/2005 (York, Steve) (Entered: 11/16/2005)
11/10/2005	⑬	US Marshal Process Receipt and Return for. Kathleen Dennehy served Delivered on 10/26/2005 (York, Steve) (Entered: 11/16/2005)
11/10/2005	⑭	US Marshal Process Receipt and Return for. Tom Lavelle served Delivered on 10/26/2005 (York, Steve) (Entered: 11/16/2005)
11/10/2005	⑮	US Marshal Process Receipt and Return for. Greg McCann served Delivered on 10/26/2005 (York, Steve) (Entered: 11/16/2005)
11/10/2005	⑯	US Marshal Process Receipt and Return for. Micheal Thompson served (York, Steve) (Entered: 11/16/2005)
11/10/2005	⑰	US Marshal Process Receipt and Return for. Mary (Mae) Robinson served Delivered on 10/26/2005 (York, Steve) (Entered: 11/16/2005)
11/10/2005	⑱	US Marshal Process Receipt and Return for. William Taylor served Delivered on 10/26/2005 (York, Steve) (Entered: 11/16/2005)
11/21/2005	⑲	US Marshal Process Receipt and Return for. Kathleen Dennehy, Carol Mic. Greg Poladian, Justina Ranno. William Taylor, Michael Thompson, Mary Robinson, Greg McCann, Tom Lavelle served Delivered on 10/12/05 (York, Steve) (Entered: 11/22/2005)
11/21/2005	⑳	MOTION to Quash Service, Retain the Case and Request Approval Order for Reservice on Five named Defendants by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 11/22/2005)
12/07/2005	㉑	AMENDED COMPLAINT against Tom Lavelle, William Taylor, Kathleen Dennehy, Michael Thompson, Carol Mici, Greg McGann, Tina Ranno, Mae Robinson, Greg Poladian, filed by Derek Sincere Black Wolf Cryer. (Attachments: # 1 Exhibit)(York, Steve) (Entered: 12/07/2005)
12/20/2005	㉒	MOTION for Extension of Time to 1/31/06 to file responsive pleading by Tom Lavelle, William Taylor, Kathleen Dennehy, Michael Thompson, Carol Mici, Greg McGann, Tina Ranno, Mae Robinson, Greg Poladian. (McFarland, Richard) (Entered: 12/20/2005)
12/21/2005	㉓	Judge Reginald C. Lindsay : Electronic ORDER entered granting ㉒ Motion for Extension of Time to 1/31/06 to file responsive pleading by Tom Lavelle, William Taylor, Kathleen Dennehy, Michael Thompson, Carol Mici, Greg McGann, Tina Ranno, Mae Robinson, Greg Poladian (Hourihan, Lisa) (Entered: 12/21/2005)
01/03/2006	㉔	Motion to Serve Defendants Attorney with Subsequent Pleadings by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 01/04/2006)
01/10/2006	㉕	MOTION to Delay Order Regarding the Motion to Quash Service. Retain the Case and Request Approval for Reservice on five named Defendant by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 01/10/2006)
01/13/2006	㉖	Judge Reginald C. Lindsay : Electronic ORDER entered denying ㉔

		MOTION of Derek Sincere Black Wolf Cryer to Quash Service, Retain the Case and Request Approval Order for Reservice on Five named Defendants. To the extent that this motion seeks an order requiring the Marshal's Service to re-serve the complaint and summonses in this case, the motion is denied, because the plaintiff has not provided sufficient information by which the summonses and complaint may be served. To the extent that this motion seeks retention of the case by the court, the court points out that the case will be retained only as permitted under the Federal Rules of Civil Procedure. The court finds moot <u>24</u> MOTION of Derek Sincere Black Wolf Cryer to Delay Order Regarding the Motion to Quash Service, Retain the Case and Request Approval for Reservice on five named Defendants, in light of ruling above. (Lindsay, Reginald) (Entered: 01/13/2006)
01/13/2006	●	Judge Reginald C. Lindsay : Electronic ORDER entered finding as moot 23 Motion of Derek Sincere Black Wolf Cryer to Serve Defendants Attorney with Subsequent Pleadings. Once service of the complaint has been made in accordance with the Federal Rules of Civil Procedure, the relief requested by this motion will be unnecessary in that the Rules generally permit service of pleadings on the attorneys for represented parties. (Lindsay, Reginald) (Entered: 01/13/2006)
01/30/2006	● 25	ANSWER to Complaint with Jury Demand by Tom Lavelle, Kathleen Dennehy, Carol Mici, Greg McGann, Tina Ranno, Mae Robinson, Greg Poladian.(McFarland, Richard) (Entered: 01/30/2006)
02/03/2006	● 26	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 02/07/2006)
02/14/2006	● 27	Motion for leave to serve Supplemental Complaint by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 02/14/2006)
02/28/2006	● 28	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 03/01/2006)
03/07/2006	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>27</u> Motion for leave to serve Supplemental Complaint (York, Steve) (Entered: 03/08/2006)
04/06/2006	● 29	Renewed Motion to Appointment of Counsel by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 04/06/2006)
05/08/2006	● 30	Letter from Derek Sincere Black Wolf Cyer. (York, Steve) (Entered: 05/08/2006)
05/30/2006	●	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>29</u> Motion to Appoint Counsel (York, Steve) (Entered: 05/30/2006)
06/05/2006	● 31	MOTION for Preliminary Injunction by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 06/07/2006)
06/05/2006	● 32	MEMORANDUM in Support re <u>31</u> MOTION for Preliminary Injunction filed by Derek Sincere Black Wolf Cryer. (Attachments: # 1 Exhibit) (York, Steve) (Entered: 06/07/2006)

06/05/2006	(33)	AFFIDAVIT in Support re <u>31</u> MOTION for Preliminary Injunction filed by Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 06/07/2006)
06/14/2006	(34)	Letter/request (non-motion) from Derek Sincere Black Wolf Cryer. (York, Steve) Additional attachment(s) added on 6/14/2006 (York, Steve). (Entered: 06/14/2006)
06/14/2006	(3)	DOCKET SHEET sent to Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 06/14/2006)
06/27/2006	(3)	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>31</u> Motion for Preliminary Injunction without prejudice. No certificate of service upon the defendants. (Hourihan, Lisa) (Entered: 06/27/2006)
06/30/2006	(35)	MOTION for Leave to Serve 2nd Supplemental Complaint by Derek Sincere Black Wolf Cryer. (Attachments: # 1 2nd Complaint Supplemental# 2 2nd Complaint Supplemental Exhibit part 1# 3 2nd Complaint Supplemental Exhibit part 2)(York, Steve) (Entered: 06/30/2006)
07/10/2006	(36)	Plaintiff's Motion for the court to proceed for findings on preliminary injunction request by Derek Sincere Black Wolf Cryer. (Attachments: # 1 Affidavit)(York, Steve) (Entered: 07/11/2006)
07/27/2006	(3)	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>35</u> Motion for Leave to File; Without prejudice, because this motion does not contain a certificate of service nor does it contain a rule 7.1 certificate (York, Steve) (Entered: 07/27/2006)
07/27/2006	(3)	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>36</u> Plaintiff's Motion for the court to proceed for findings on preliminary injunction. this motion is denied without prejudice, because it does not contain a certificate of service nor does it contain a rule 7.1 certificate (York, Steve) (Entered: 07/27/2006)
08/15/2006	(37)	Letter dated 8/12/06 from Derek Cryer requesting a copy of docket sheet a sample of a certificate pursuant to Rule 7.1 and a certificate of service, FILED. (Boyce, Kathy) (Entered: 08/17/2006)
08/21/2006	(3)	DOCKET SHEET sent to Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 08/21/2006)
09/07/2006	(38)	MOTION for Court to proceed on Plaintiffs' preliminary Injunction by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 09/08/2006)
09/18/2006	(39)	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 09/19/2006)
10/26/2006	(3)	Judge Reginald C. Lindsay : Electronic ORDER entered denying <u>38</u> Motion for Court to proceed on Plaintiffs' preliminary Injunction (York, Steve) (Entered: 10/26/2006)
11/16/2006	(40)	MOTION to Dismiss by Tom Lavelle, William Taylor, Kathleen Dennehy, Michael Thompson, Carol Mici, Greg McGann, Tina Ranno,

		Mae Robinson, Greg Poladian.(McFarland, Richard) (Entered: 11/16/2006)
11/16/2006	(41)	MEMORANDUM in Support re <u>40</u> MOTION to Dismiss filed by all defendants. (Attachments: # 1 Exhibit)(McFarland, Richard) (Entered: 11/16/2006)
11/21/2006	(42)	Motion for Court to Proceed on Plaintiff's Motion for leave to serve second (2nd) Complaint by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 11/22/2006)
11/29/2006	(43)	Mail Returned as Undeliverable. (Docket Sheet) Mail sent to Derek Sincere Black Wolf Cryer (York, Steve) (Entered: 11/29/2006)
11/29/2006	(43)	MOTION for Extension of Time to 1/01/2006 to respond to defendant motion to dismiss by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 11/29/2006)
12/07/2006	(44)	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 12/08/2006)
12/08/2006	(45)	MOTION for Extension of Time to 01/02/2007 to File Response/Reply as to <u>40</u> MOTION to Dismiss by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 12/08/2006)
12/12/2006	(46)	Renewed Motion for Appointment of Counsel by Derek Sincere Black Wolf Cryer.(York, Steve) (Entered: 12/12/2006)
12/14/2006	(47)	EXHIBIT by Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 12/14/2006)
12/14/2006	(48)	Judge Reginald C. Lindsay : MEMORANDUM AND ORDER entered denying with prejudice Plaintiff's Motion to Appoint Counsel (#46) for the reasons stated therein. (PSSA, 1) (Entered: 12/15/2006)
12/15/2006	(49)	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 12/18/2006)
12/19/2006	(50)	AFFIDAVIT of Derek Sincere Black Wolf Cryer (York, Steve) (Entered: 12/19/2006)
12/22/2006	(51)	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 12/27/2006)
12/27/2006	(52)	DOCKET SHEET sent to Derek Sincere Black Wolf Cryer (York, Steve) (Entered: 12/27/2006)
12/27/2006	(53)	Motions terminated: <u>43</u> MOTION for Extension of Time to 1/01/2006 to respond to defendant motion to dismiss filed by Derek Sincere Black Wolf Cryer.. (York, Steve) (Entered: 12/27/2006)
01/04/2007	(54)	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>45</u> Motion for Extension of Time to File Response/Reply re <u>40</u> MOTION to Dismiss Responses due by 1/2/2007 (Hourihan, Lisa) (Entered: 01/04/2007)

01/11/2007	52	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 01/11/2007)
01/11/2007	53	Opposition re <u>40</u> MOTION to Dismiss filed by Derek Sincere Black Wolf Cryer. (Attachments: # 1)(York, Steve) (Entered: 01/11/2007)
02/13/2007	54	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 02/13/2007)
02/13/2007	55	DOCKET SHEET sent to Derek Sincere Black Wolf Cryer (York, Steve) (Entered: 02/13/2007)
07/21/2007	56	Judge Reginald C. Lindsay : Electronic ORDER entered denying without prejudice <u>42</u> Motion for Court to Proceed on Plaintiff's Motion for leave to serve second (2nd) Complaint by Derek Sincere Black Wolf Cryer. Again the motion does not contain a proper certificate of service of the motion on the defendants who have appeared in this action. (Lindsay, Reginald) (Entered: 07/21/2007)
08/22/2007	57	Judge Reginald C. Lindsay : ORDER entered granting <u>40</u> MOTION to Dismiss of Tom Lavelle, William Taylor, Kathleen Dennehy, Michael Thompson, Carol Mici, Greg McGann, Tina Ranno, Mae Robinson, Greg Poladian in accordance with the accompanying, written opinion. (Lindsay, Reginald) (Entered: 08/22/2007)
08/22/2007	58	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT in favor of defendants against plaintiff(Hourihan, Lisa) (Entered: 08/22/2007)
08/27/2007	59	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 08/29/2007)
10/05/2007	60	NOTICE OF APPEAL of <u>56</u> Judgment by Derek Sincere Black Wolf Cryer NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals.Appeal Record due by 10/25/2007. (York, Steve) (Entered: 10/12/2007)
10/16/2007	61	MOTION to Dismiss <i>Appeal as Untimely</i> by Tom Lavelle, William Taylor, Kathleen Dennehy, Michael Thompson, Carol Mici, Greg McGann, Tina Ranno, Mae Robinson, Greg Poladian.(McFarland, Richard) (Entered: 10/16/2007)
10/22/2007	62	Letter from Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 10/24/2007)
10/25/2007	63	Plaintiffs' Opposition to <u>59</u> MOTION to Dismiss <i>Appeal as Untimely</i> filed by Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 10/26/2007)
10/26/2007	64	DECLARATION by Derek Sincere Black Wolf Cryer. (York, Steve) (Entered: 10/26/2007)